

3-2500-10567-2MPUC Docket No. P-421/EM-96-471 STATE OF MINNESOTA OFFICE OF
ADMINISTRATIVE HEARINGS FOR THE MINNESOTA PUBLIC UTILITIES
COMMISSION

In the Matter of the Request of US WEST PREHEARING ORDER
Communications, Inc. to Grandparent
CENTRON Services With Future
Discontinuance of CENTRON,
CENTREX, and Group Use
Exchange Services.

The above-entitled matter came on for a Prehearing Conference before Allen E. Giles, Administrative Law Judge for the Office of the Administrative Hearings pursuant to notice on June 13, 1995 at 9:00 a.m. in the Large Hearing Room of the Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota.

The following persons made appearances at the hearing or filed Notices of Appearance:

Scott Wilensky, Assistant Attorney General, 525 Park Street, Suite 200, St. Paul, Minnesota 55103, on behalf of the State of Minnesota Department of Administration;

James A. Gallagher, Maun & Simon, 2000 Midwest Plaza Building West, 801 Nicollet Mall, Minneapolis, Minnesota 55402, and Victoria T. Aguilar, Attorney, US West Communications, Inc., 200 South Fifth Street, Room 395, Minneapolis, Minnesota 55402, on behalf of US West Communications, Inc;

John B. Van de North and W. Patrick Judge, Briggs & Morgan, 2200 First National Bank Building, St. Paul, Minnesota 55101, and Rebecca DeCook, Suite 1575, 1875 Lawrence Street, Denver, Colorado 80202, on behalf of AT&T Communications of the Midwest, Inc.;

Eric F. Swanson and Anu Seam, Assistant Attorneys General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, on behalf of the Office of Attorney General, Residential and Small Business Utility Division;

Christopher K. Sandberg, Schatz, Paquin, Lockridge, Grindal & Holstein, PLLP, 100 Washington Avenue South, Suite 2200, Minneapolis, Minnesota 55401, on behalf of Firstcom, Inc.;

Kristine L. Eiden, Hatch, Eiden & Pihlstrom, Suite 950 One Financial Plaza, 120 South Sixth Street, Minneapolis, Minnesota 55402, and Michael J. Shortley, III, Senior Attorney, Frontier Corporation, 180 South Clinton Avenue, Rochester, New York 14646, on behalf of Enhanced Telemanagement, Inc., d/b/a Frontier Telemanagement, Inc.;

Katherine L. McGill and Dennis Ahlers, Assistant Attorneys General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, on behalf of the Minnesota Department of Public Service;

Terry L. Adkins, Rochester City Attorney, 201 Fourth Street Southeast, Room 247, Rochester, Minnesota 55904-3780, and Susan Dixon, Telecommunications Coordinator, Olmsted County - ISC, 151 Fourth Street Southeast, Rochester, Minnesota 55904-3710, on behalf of the Telecommunications Consortium;

Amy J. Klobuchar, Gray, Plant, Mooty, Mooty & Bennett, P.A., 3400 City Center, 33 South Sixth Street, Minneapolis, Minnesota 55402, and Karen L. Clauson, Senior Attorney, MCI Telecommunications Corporation, 707-17th Street, #3600, Denver, Colorado 80202, on behalf of MCI Telecommunications Corporation and MCI Metro;

John McCluskey, 999 Oakmont Plaza Drive, Suite 400, Westmont, Illinois 60559, and Douglas G. Bonner and Anthony R. Petrilla, Swidler and Berlin Chartered, 3000 K Street N.W., Suite 300, Washington, DC 20007, on behalf of MFS Intelenet of Minnesota, Inc.;

Steven Quam, David L. Sasseville and William A. Haas, Lindquist and Vennum, 4200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, on behalf of McLeod Telemanagement Inc.;

William E. Flynn, Lindquist and Vennum, 4200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, on behalf of Minnesota Business Utility Users Council;

Michael J. Bradley, Moss and Barnett, 4800 Norwest Center, 90 South Seventh Street, Minneapolis, Minnesota 55402, on behalf of Info-Tel Communications Inc.;

Carol Wold Sindt, City of Minneapolis Cable Officer, Room 123 City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415, on behalf of the City of Minneapolis; and

Cathy Hanson, Telecommunications Analyst, and Diane Wells, Telecommunications Analyst, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101, on behalf of the Minnesota Public Utilities Commission, acting in a neutral capacity.

Discussion was held among the participants who took part in the Prehearing Conference, and having considered all the arguments and comments, as well as written submissions filed by the participants, the Administrative Law Judge makes the following Prehearing Order:

I. SCOPE OF ISSUES TO BE ADDRESSED

Several parties at the prehearing conference requested that they be given the opportunity to narrow the scope of the issues to be litigated in the subject matter. The Judge finds this request reasonable and will allow the parties an opportunity to

accomplish this proposal. The parties should make their submission of a "narrowed scope" by June 24, 1996; however, this date is flexible so as to encourage full utilization of this proposal.

II. PROPRIETARY INFORMATION

A Protective Order was issued in a previous docket involving US West Communications, Inc.'s proposals regarding CENTREX and CENTRON: MPUC Docket Nos. P-421/EM-91-328, 1000 and 1002; OAH Docket No. 3-2500-6597-2. Because of concern expressed by US West Telecommunications regarding proprietary information, the Protective Order issued in this previous docket shall remain in effect or parties may volunteer to adhere to any other appropriate protective order until a protective order is issued by the Judge in the current proceeding.

III. INTERVENORS

Based upon their Petitions to Intervene, the following are each made a party to this case as an Intervenor: the Minnesota Department of Public Service; the Office of Attorney General, Residential and Small Business Utilities Division; Enhanced Telemanagement, Inc., d/b/a Frontier Telemanagement, Inc.; the State of Minnesota, Department, of Administration; the Minnesota Business Utility Users Council; McLeod Telemanagement, Inc.; Firstcom, Inc.; AT&T Communications of the Midwest, Inc.; MCI Telecommunications, Inc. and MCI Metro; Info-Tel Communications, Inc.; MFS Intelenet of Minnesota Inc.; City of Minneapolis and Rochester Telecommunications Consortium.

The deadline date for filing a Petition to Intervene in this proceeding shall be June 24, 1996.

IV. SCHEDULE

The following schedule is adopted, and except when modified by Order of the Administrative Law Judge, shall govern this proceeding:

- A. Prefiled testimony will have the following deadlines:
 - 1. Intervenor file Direct Testimony -- August 16, 1995.
 - 2. Rebuttal Testimony filed -- September 17, 1995.
 - 3. Surrebuttal Testimony filed -- September 24, 1996.
- B. Public Hearings

The consensus opinion among the parties is that no public hearing is necessary in this proceeding. No public hearings will be required.

C. Evidentiary Hearings

Evidentiary hearings will be held in the Large Hearing Room of the Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota beginning on September 30, 1996 at 9:30 a.m. and continuing from day to day until October 4, 1996.

D. Post-Hearing Schedule

After the hearing, parties shall submit briefs and proposed Findings of Fact and Conclusions, all appropriately referenced to the official record. Unless revised by the Administrative Law Judge at the close of the evidentiary hearings, the parties shall comply with the following post-hearing briefing schedule:

Initial briefs filed on November 7, 1996;
Reply briefs filed on November 22, 1996;
The Administrative Law Judge's Report filed with
the Commission on December 20, 1996.

V. FILING OF DOCUMENTS

- All documents, including prefiled testimony but excluding information requests and responses, shall be filed as follows:

1. Fifteen (15) copies of each document shall be filed with the Commission's secretary for distribution among Commissioners and Commission staff by delivering or mailing to:

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2145

2. Prior to the issuance of the Report of the Administrative Law Judge, the original document and one (1) copy shall be filed with the Office of Administrative Hearings by delivering or mailing to:

The Honorable Allen E. Giles
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138

3. One (1) copy shall be served personally or by mail on the attorney for each party of record or, if there is no attorney, upon the party.

One (1) copy shall be served personally or by mail on:

Ganesh Krishnan
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, Minnesota 55101-2145

Four (4) copies shall be served personally or by mail on:

Linda Chavez
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, Minnesota 55101-2145

4. Following the Report of the Administrative Law Judge, original documents shall be filed with the Secretary of the Commission. A copy may be filed with the Office of Administrative Hearings.

5. Pursuant to Minn. Rules pt. 1400.5100, subp. 9, (1993), the effective date of filing with the Office of Administrative Hearings shall be the date the document is mailed to the Administrative Law Judge. Note, however, for documents filed with the Commission, the effective date of filing is the date the document is received in the Commission offices. Minn. Rule pt. 7829.0400 (Supp. 1994).

6. Pursuant to Minn. Rule pt. 1400.5100, subp. 9, documents may be filed by fax, provided, however, a fax filing shall be followed by a mailing of the original document.

7. Proof of Service shall be filed with each filed document. A service list is attached as Exhibit A and is incorporated as a part of this Order. Service of documents in the numbers required by this Order shall be made according to such service list.

8. Any document or information filed with or supplied to the Public Utilities Commission or the Commission Staff shall be served upon the attorney of each party of record or, if there is no attorney, upon the party.

VI. DISCOVERY ACTIVITIES

- All requests for information shall be made in writing to the person from whom the information is sought with a copy of the request mailed to all parties of record. The party responding to the information request shall provide the information requested to the requesting party within ten (10) working days (i.e., excluding state holidays and weekends) after receipt of the request. There shall be a continuing obligation to update

and supplement information responses. The information need not be supplied as a matter of course to all other parties, (unless specifically requested by a party). Information requests received after 3:00 p.m. on business days shall be considered to be received on the following business day, except that any U.S. Mail received during business hours shall be considered to be received on the same day. Data requests received on Saturday, Sunday or a state holiday will be considered to be received on the next business day. Both information requests and responses may be received by facsimile. Documents served by facsimile shall be followed by hard copies of the same document, sent contemporaneously with the facsimile transmission.

In the event the information cannot be supplied within ten (10) working days, the responding party shall notify the requesting party in writing within five (5) working days of the request of the reason(s) for not being able to supply the information and to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party.

Further discovery may be sought in accordance with Minn. Rules pt. 1400.6700 - 1400.6900 insofar as these provisions do not alter the special process for this case established by this Order.

VII. PREFILED TESTIMONY

Prefiled direct, rebuttal, and surrebuttal testimony shall be marked as an exhibit and accorded the same treatment as if it were attached to the record. Prefiled testimony amended or not offered into the record shall be considered withdrawn and the witness may not be cross-examined concerning the withdrawn testimony.

Any new affirmative matter that is not offered in reply to another party's direct case shall not be allowed in rebuttal testimony and exhibits. Objections to the admission of prefiled testimony (excluding surrebuttal) will be waived unless filed on or before September 9, 1996. Objections to surrebuttal testimony will be waived unless made on the first day of the evidentiary hearing.

VIII. ORDER OF TESTIMONY

Testimony in the evidentiary hearing shall be offered in the following order: Company; Intervenors in the order of their intervention, and then by the Department of Public Service. Cross-examination of Intervenors shall be conducted by the parties in the same order as the offering of testimony in the evidentiary hearing. No later than five days prior to the commencement of the evidentiary hearing herein, all parties shall submit to the Administrative Law Judge and other parties, a list of their witnesses and the order in which those witnesses will appear, indicating, if possible, any day certain for testimony known to the party calling the witness. The Judge expects that the parties will confer and cooperate with each other to establish a date certain for witnesses.

IX. EXAMINATION OF WITNESSES

Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

X. STIPULATION OF ISSUES

Parties are encouraged to stipulate to the admission of evidence not in dispute and to narrow the scope of contested issues to the matters actually in dispute. Where appropriate, the parties shall file a joint statement containing material stipulated facts and identifying the issues remaining to be resolved during the evidentiary hearing.

Dated this _____ day of June, 1996.

ALLEN E. GILES
Administrative Law Judge

Exhibit A

Honorable Allen E. Giles (2)
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138

Ganesh Krishnan
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, Minnesota 55101-2145

Scott Wilensky
Assistant Attorney General
525 Park Street
Suite 200
St. Paul, Minnesota 55103

Victoria T. Aguilar, Attorney
US West Communications, Inc.
200 South Fifth Street, Room 395
Minneapolis, Minnesota 55402

Rebecca DeCook
Suite 1575
1875 Lawrence Street
Denver, Colorado 80202

Christopher K. Sandberg
Schatz, Paquin, Lockridge, et al.
100 Washington Avenue South
Suite 2200
Minneapolis, Minnesota 55401

Michael J. Shortley, III
Senior Attorney
Frontier Corporation
180 South Clinton Avenue
Rochester, New York 14646

Terry L. Adkins
Rochester City Attorney
201 Fourth Street Southeast, Room 247
Rochester, Minnesota 55904-3780

Amy J. Klobuchar

Dr. Burl Haar, Executive Secretary (15)
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2145

Linda Chavez (4)
Minnesota Department of Public Service
121 Seventh Place East, Suite 200
St. Paul, Minnesota 55101-2145

James A. Gallagher
Maun & Simon
2000 Midwest Plaza Building West
801 Nicollet Mall
Minneapolis, Minnesota 55402

John B. Van de North, W. Patrick Judge
Briggs & Morgan
2200 First National Bank Building
St. Paul, Minnesota 55101

Eric F. Swanson, Anu Seam
Assistant Attorneys General
1200 NCL Tower, 445 Minnesota Street
St. Paul, Minnesota 55101-2130

Kristine L. Eiden
Hatch, Eiden & Pihlstrom
Suite 950 One Financial Plaza
120 South Sixth Street
Minneapolis, Minnesota 55402

Katherine L. McGill
Dennis Ahlers
Assistant Attorneys General
1200 NCL Tower, 445 Minnesota Street
St. Paul, Minnesota 55101-2130

Susan Dixon
Telecommunications Coordinator
Olmsted County-ISC, 151 - 4th St. SE
Rochester, Minnesota 55904-3710

Karen L. Clauson

Gray, Plant, Mooty, Mooty & Bennett, P.A.
3400 City Center
33 South Sixth Street
Minneapolis, Minnesota 55402

John McCluskey
999 Oakmont Plaza Drive
Suite 400
Westmont, Illinois 60559

Steven Quam, David L. Sasseville &
William A. Haas
Lindquist and Vennum
4200 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402

Michael J. Bradley
Moss and Barnett
4800 Norwest Center
90 South Seventh Street
Minneapolis, Minnesota 55402

Carol Wold Sindt
City of Minneapolis Cable Officer
Room 123 City Hall
350 South Fifth Street
Minneapolis, Minnesota 55415

Senior Attorney
MCI Telecommunications Corporation
707-17th Street, #3600
Denver, Colorado 80202

Douglas G. Bonner, Anthony R. Petrilla
Swidler and Berlin Chartered
3000 K Street N.W., Suite 300
Washington, DC 20007

William E. Flynn
Lindquist and Vennum
4200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

Cathy Hanson, Telecommun. Analyst
Diane Wells, Telecommunications Analyst
121 Seventh Place East
Suite 350
St. Paul, Minnesota 55101

Janet Shaddix Elling
Suite 181
9100 West Bloomington Freeway
Bloomington, Minnesota 55431